Flowchart for plan amendments documented with an EA under the 36 CFR 219 procedures

Process steps in yellow, required notices and time periods in green, best practices in purple, conditional steps in peach.

"...identification of the need to change the plan, development of a proposed amendment..." (36 CFR 219.5(a)(2)(ii)

partners and potential collaborators

Engage key stakeholders,

Things to remember:

- All legal notices must be published in the newspaper of record and then should be posted to the project website. Legal notices and other forms of notification for comment periods and the objection period must meet content requirements in 219.16(d) and 219.52.
- When an amendment applies only to a project or activity, the notification requirements are described in 36 CFR part 218, subpart A (219.16(b))

Public scoping (40 CFR 1501.7, 36 CFR 220.4(e))

Legal notice "To initiate the development of a ... plan amendment..." (36 CFR 219.16(a)(1)). Length of scoping period at the discretion of responsible official

- Post proposed action to website through PALS
- Send letter/email announcing project initiation, inviting scoping comments and stating that the designated comment period will begin with publication of the legal notice
- Scoping may be combined with the 30-day comment period (219.13(b)(2), but this is not recommended for most substantive amendments

Develop draft EA or EA/FONSI

Develop Biological Assessment and any other documents required for interagency or tribal consultation

Opportunity to comment (i.e., "30day comment period")

Legal notice "To invite comments on a proposed...plan amendment.. and associated environmental analysis" for "at least 30 days" (219.16(a)(2))

- Post draft EA/FONSI and supporting documents to website through PALS
- Send letter/email announcing availability of draft analysis documents, inviting comments and stating that the designated comment period will begin with publication of the legal notice

Complete EA/FONSI

Yes

Yes

Complete any required consultation

Were "substantive formal comments" (219.62) received during designated opportunities for public comment?

Issue final decision and final EA/FONSI

No

Legal notice "To approve a final... plan amendment" (219.16(a)(4))

- Post decision and final analysis documents to website through
- Inform any interested parties

Issue draft decision and begin objection period

Legal notice "To begin the objection period for a ... plan amendment" (219.16(a)(3)), stating that objections must be received within 45 days (219.52(c)(5)) and meeting other content requirements in 219.52

- Post draft decision and final EA/FONSI with supporting documents to website through PALS
- Send letter/email announcing opportunity to object (meet content requirements of 219.52(c))

Was one or more objection received?

> Post decision and final EA/FONSI to website any time after the fifth day after the end of the

objection filing period (219.58(c))

No, or the objection may be set aside from review (see 219.55)

Legal notice "To approve a final ... plan amendment" (219.16(a)(4))

Legal notice "of all objections" published within 10 days of the close of the objection filing period (219.56(f))

Follow process in 219.57 and regional direction

This should include close coordination between the responsible and reviewing officials as well as technical review of the objection points

Written response to objectors, issue final decision

Objection resolution

Legal notice "To approve a final ... plan amendment" (219.16(a)(4))

- Meet requirements in 219.57, 219.58 before issuing decision
- Post decision and objection resolution letters to project website through PALS